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October 11, 2017

RING BENDER OFFICES

Orange County, CA  
Pittsburgh, PA  
Portland, OR

**Via Federal Express (overnight delivery)**

Regional Freedom of Information Officer  
U.S. EPA Region 9  
75 Hawthorne Street (OPA-2)  
San Francisco, CA 94105

Re: Orange County Water District—Contacts with EPA Region 9

Dear FOIA officer:

Soco West, Inc. requests the following agency records under the Freedom of Information Act (FOIA), 5 U.S.C. § 552. Specifically, this request seeks records from United States Environmental Protection Agency, Region 9 (“EPA Region 9”) related to the so-called “South Basin” portion of the Orange County Groundwater Basin. For purposes of this request, “South Basin” is that area previously described by OCWD located in central Orange County (including portions of Santa Ana, Tustin, and Irvine) as that term is used in various submittals to the OCWD Board, including the map contained as **Exhibit A**. The time period for all public records sought in this request is October 1, 2013 to October 1, 2017.

The precise requests for any writing or recording (as defined by the Federal Rules of Evidence rule 1001, including any electronically stored information) are:

1. All writings related to any correspondence between OCWD and EPA Region 9 in connection with applications by OCWD to the California Water Resources Control Board for Proposition 1 funding for Remedial Investigation / Feasibility Study activities in the South Basin.
2. All writings related to any correspondence between EPA Region 9 and any other California agency including but not limited to the Department of Toxic Substances Control and Water Resources Control Board in connection with an application by OCWD to the California Water Resources Control Board for

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Proposition 1 funding for Remedial Investigation / Feasibility Study activities in the South Basin.

3. All writings related to any correspondence, including technical data or commentary, by any staff in EPA Region 9 in connection with a proposed groundwater remediation project in the South Basin proposed by OCWD.
4. All writings related to any EPA Region 9 meetings with representatives of OCWD (and other California agencies such as DTSC or Regional Water Board) in connection with OCWD's Proposition 1 funding applications for Remedial Investigation / Feasibility Study activities proposed for the South Basin. The writings requested include but are not limited to: meeting agendas, meeting sign-in sheets, PowerPoint presentations, reports, estimates, handouts, charts, plume maps, graphs, tables, or visual aids.
5. All writings that constitute memoranda, reports, or directives created by EPA Region 9 following any meetings with OCWD in connection with OCWD's Proposition 1 funding applications for Remedial Investigation / Feasibility Study activities proposed for the South Basin.
6. All writings relating to communications sent or received by EPA Region 9 in communication with OCWD or any other California agency following meetings with OCWD in connection with OCWD's Proposition 1 funding applications for Remedial Investigation / Feasibility study activity proposed for the South Basin.

We will accept responsibility for the reasonable and necessary costs associated with EPA's response to this request, including reasonable standard charges for document searching and duplication, up to a maximum amount of \$2,000.00. See 5 U.S.C. § 552(a)(4)(A)(ii)(III); 40 C.F.R. § 2.102( d). If EPA determines that the reasonable and necessary costs of responding to this request will exceed \$2,000.00, please contact us as soon as possible to discuss payment. If for some reason copies of certain agency records cannot be made or provided, we request an opportunity to view and inspect those agency records.

If a given agency record is responsive to more than one individual request or is found in more than one location, EPA need not provide multiple copies or duplicates of the same record. All responsive records that have not been provided, or that are not readily available, must still be provided in response to this request.

If it is EPA's position that any of the agency records requested in this letter are exempt from disclosure under the FOIA, EPA must nonetheless provide any reasonably segregable portions of those agency records after deleting or redacting

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the purportedly exempt portions. 5 U.S.C. § 552(b); *Pebble Ltd. P'ship v. US. Envtl. Prot. Agency*, No. 3:14-cv-0199-HRH, 2016 WL 128088, at \*3 (D. Alaska Jan. 16, 2016).

If EPA withholds all or any portion of a record requested in this letter, EPA must indicate in the response the amount of information that is withheld, deleted, or redacted, as well as the basis for each withholding, deletion, or redaction. 5 U.S.C. § 552(b); 40 C.F.R. § 2.104(h). Please provide an index or catalogue of responsive agency records that EPA intends to withhold in full or in part, as well as an individual explanation for each full or partial withholding, consistent with the holding in *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973).

If EPA chooses to withhold segregable portions of any agency record that is responsive to this request, please use blackout redactions rather than deletions or whiteout redactions. If agency records that would otherwise be responsive to this request have been destroyed or are no longer in EPA's control, please identify each record, the date of destruction, and the person(s) who destroyed the record.

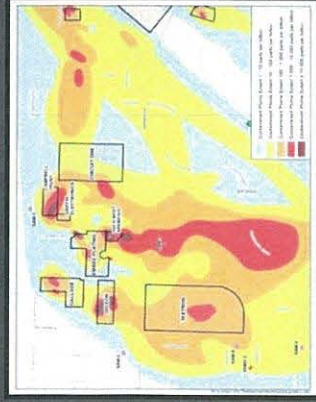
We invite you to contact us as soon as possible to arrange for delivery of the agency records requested. In the meantime, we appreciate your prompt attention to this request, and look forward to your response.

Very truly yours,

RING BENDER LLP

  
Jay Tufano





## South Basin

- RI/FS “data gap” monitoring wells. 24 wells in 6 locations. RFB and RFP out in June
- Central Area Pilot Study
  - Work plan in draft ( $\approx$  \$3 million)
  - Still discussing property access with nearby power utility and others